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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/700,494

11/05/2003

Hiroto Isoda

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02/06/2006

DENNISON, SCHULTZ, DOUGHERTY & MACDONALD
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SUITE 105
ALEXANDRIA, VA 22314

EXAMINER

WALFORD, NATALIE K

ART UNIT

PAPER NUMBER

2879

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/700,494	Applicant(s) ISODA, HIROTO	
	Examiner Natalie K. Walford	Art Unit 2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) 7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Claim 7 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on October 12, 2005.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

Claim 6 is objected to because of the following informalities: There is insufficient antecedent basis for this limitation in the claim. In the first line of the claim, the limitation of "the cooling member" is insufficient antecedent basis. The Examiner notes that having claim 6 depending on claim 2, then there would be proper antecedent basis. Therefore, for Examination purposes, claim 6 will depend on claim 2. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the plurality of electric conductive members are described as having "good heat conductivity." This recitation is vague and indefinite in that it is not clear as to what constitutes good heat conductivity. What are the properties of good heat conductivity? These deficiencies render the scope of the claim unascertainable.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Hochstein (US PUB 2001/0030866).

Regarding claim 1, Hochstein discloses a light emitting device (item 10) in figure 1 including: a base member (item 32) having a plurality of electric conductive members (item 18) with good heat conductivity and insulating members (item 24) securing and isolating each conductive member; a light emitting diode (item 12) mounted on one of

the conductive members; an electrically connecting means (items 14, 16, and 20) to connect the light emitting diode and the conductive members for applying current to the light emitting element; a sealing member (item 40) covering the light emitting diode and the electrically connecting means for protection; a projection (item 25) outwardly stretched for heat release from the other side of the conductive member thereon the light emitting diode mounted.

Regarding claim 2, Hochstein discloses the device according to claim 1, characterized by the conductive member (FIG. 2, item 28) having a contact with an external cooling member (FIG. 2, item 30) for heat release.

Regarding claim 3, Hochstein discloses the device according to claim 1, wherein the electrically connecting means comprise a circuit substrate (FIG. 1, item 32) with a circuit pattern secured to the base member and at least a wire (FIG. 1, items 14, 16, and 20) so as to apply the current to the light emitting diode; and the circuit substrate having an opening so as to set the light emitting diode on the conductive member directly (see FIG. 1).

Regarding claim 4, Hochstein discloses the device according to claim 1, wherein the plurality of conductive members are made of metal core material (page 3, paragraph 32).

Regarding claim 5, Hochstein discloses the device according to claim 2, further including an external print substrate (FIG. 2, item 32) having a through-hole (FIG. 2, item 36) so as to insert the projection of the conductive member and contact the projection with the cooling member secured to the other side of the print substrate.

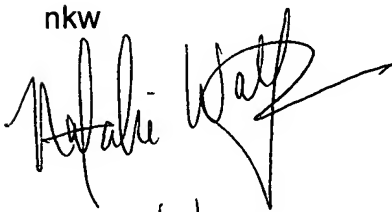
Regarding claim 6, Hochstein discloses the device according to claim 1, wherein the cooling member has a plurality of cooling fins (FIG. 2, item 32).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalie K. Walford whose telephone number is (571)-272-6012. The examiner can normally be reached on Monday-Friday, 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (571)-272-2457. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

nkW

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